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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,848	09/29/2003	Yong-Hwa Kim	HANYAI.001C1	4454
20995 7590 06/16/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER BARQADLE, YASIN M				
ART UNIT 2153		PAPER NUMBER		
NOTIFICATION DATE 06/16/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

### Office Action Summary

**Application No.**

10/674,848

**Applicant(s)**

KIM ET AL.

**Examiner**

YASIN M. BARQADLE

**Art Unit**

2153

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21, 24-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 24-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2008 has been entered.

**Response to Amendment**

2. The amendment filed on March 18, 2008 has been fully considered but are not persuasive.

- Claims 1-20 have been cancelled.
- Claims 21, 24-32 and 34-40 are presented for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21, 24-32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajakarunayake et al (6810413), hereinafter "RAJak" in view of AGRAHARAM et al US Pub. Number (20010012304), hereinafter "AGRAHARAM".

As per claim 21, 29 and 35, Rajak teaches a method of receiving a desired content by a user terminal (col. 3, lines 7-24), the method comprising (fig. 3 and abstract):

connecting, by a user terminal (fig. 3, 246, 244), to a content providing server (content server 202, fig. 3) via a DSL network connected to the Internet, wherein the DSL network comprises a local DSL device which links between the Internet and the user terminal (DSL link 232, fig. 3 via ISP server 226; col. 5, lines 52-65 and col. 8, lines 36-62);

in reply to requesting, receiving, by the user terminal, a command from the content providing server for directing the user terminal to a multicast box that is configured to relay data for the desired content from the content providing server to the user terminal, wherein the multicast box is not for providing the user terminal with an Interact connection (col. 5, lines 52-65 and col. 10, lines 6-31 see fig. 3);

subsequent to receiving the command, communicating, by the user terminal, with the multicast box (See fig. 3 and col. 5, lines 52-65 and col. 10, lines 6-31);

receiving, by the user terminal, a command from the multicast box to communicate with the local DSL device so as to obtain information for use in (col. 5, lines 52-65 and col. 10, lines 6-31 see fig. 3);

Although Rajak shows substantial features of the claimed invention, he does not explicitly show determining whether DSL device supports multicasting.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Rajak, as evidenced by AGRAHARAM USPN. (20010012304).

In analogous art, AGRAHARAM disclose a method of providing high quality multimedia communications between end users uses an ATM-**ADSL** access system where the DSL device supports multicasting (Paragraph 0010-0011).

Giving the teaching of AGRAHARAM, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Rajak by employing the system of AGRAHARAM in order to distribute multicast content to different pieces of equipment in the multicast network.

Rajak further teaches in reply to the command from the multicast box, communicating with the local DSL device, by the user terminal, to receive a response from the local DSL device for use (col. 5, lines 52-65 and col. 10, lines 6-31 see fig. 3); and

receiving, by the user terminal, the data from the multicast box via the local DSL device (fig. 3, DSL link 232; col. 8, lines 36-62 and col. 10, lines 6-31).

As per claims 30 and 38, Rajak teaches the invention further comprising: receiving, by the user terminal, a command from the multicast box to determine whether the local DSL device supports multicasting; and communicating with the local DSL device, by the user terminal, to determine whether the local DSL device supports multicasting (col. 8, lines 36-62 and col. 10, lines 6-31).

Art Unit: 2153

As per claims 24, 36-37 and 39, Rajak teaches the invention wherein if the local DSL device supports multicasting, the user terminal transmits the data received from the multicast box to a multicasting address of the local DSL device so as to enable the local DSL device to multicast the data to other user terminals connected to the local DSL device (col. 8, lines 36-62 and col. 10, lines 6-31. see fig. 3).

As per claims 25 and 40, Rajak teaches the invention, wherein if the local DSL device supports multicasting, the user terminal receives the data from the local DSL device (col. 5, lines 52-65 and col. 8, lines 36-62).

As per claims 26 and 34, Rajak teaches the invention wherein the user terminal downloads a computer program configured to enable the user terminal to communicate with the content providing server and the multicast box so as to receive the data from the multicast box (col. 5, lines 52-65 and col. 8, lines 36-62).

As per claims 27 and 31, Rajak teaches the invention wherein downloading occurs when the user terminal requests the desired content (col. 5, lines 52-65 and col. 8, lines 36-62).

As per claim 28, Rajak teaches the method of Claim 21, wherein upon requesting the content providing server determines whether there is a multicast box associated with the local DSL device and transmit data for the desired content if determined that the multicast box is associated with the local DSL device (col. 8, lines 36-62 and col. 10, lines 6-31. see fig. 4).

As per claim 32, Rajak teaches the method of Claim 29, wherein the user terminal receives the data from the multicast box via one-on-on connection if the data is not available for multicasting at the local DSL device (See fig. 3; col. 5, lines 52-65 and col. 8, lines 36-62).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the

Art Unit: 2153

PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yasin M Barqadle/

Primary Examiner, Art Unit 2153